

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DYLAN CORRAL,

Defendant.

CASE NO. CR22-0048-JCC

ORDER

This matter comes before the Court on Defendant's objections (Dkt. No. 244) to the Report and Recommendation ("R&R") of the Honorable Theresa L. Fricke, United States Magistrate Judge (Dkt. No. 238). Judge Fricke recommends that the Court again order Defendant committed to the custody of the Attorney General for restoration of his mental competency in accordance with 18 U.S.C. § 4241(d).

The Court has described the procedural history of this matter in a prior order committing Defendant to the custody of the Attorney General for restoration. (*See* Dkt. No. 203.) It will not repeat that information here. Since then, Defendant underwent restoration at FDC-Devens. (Dkt. No. 211.) This culminated in the facility's warden issuing a certificate of competency on April 4, 2025. (Dkt. No. 212 at 2.) Defendant was then transferred out of the medical facility.

On June 10, 2025, Judge Fricke presided over a hearing in Sacramento to determine whether Defendant was now competent to stand trial, *i.e.*, understood the nature and

1 consequences of the proceedings against him and could assist properly in his defense. (*See* Dkt.  
2 Nos. 233, 234) (transcript of the proceedings). At the that hearing, Judge Fricke took testimony  
3 from Chad Brinkley, Ph.D., and Diana Hamilton, Ph.D. (*See generally* Dkt. No 234.) This Court  
4 reviewed the hearing transcripts (Dkt. Nos. 233, 234) along with associated exhibits (Dkt. Nos.  
5 225, 229, 235).

6 Based on this evidence, the Court finds, for the reasons described below, that Defendant  
7 is again suffering from a mental disease or defect that would render him mentally incompetent.  
8 While Defendant factually can comprehend the nature and consequences of the proceedings  
9 against him, he does not have a rational understanding and is unable to rationally consult with  
10 counsel or assist in his defense. *See* 18 U.S.C. § 4241. This finding is largely based on the  
11 testimony of Dr. Brinkley and Dr. Hamilton, both of whom also attended to Defendant's  
12 treatment at FDC-Devens. (*See generally* Dkt. No 234.) They indicated that, so long as  
13 Defendant continuously took his anti-psychotic medication following transfer, he would likely be  
14 competent to stand trial. (*Id.*)<sup>1</sup>

15 Unfortunately, since Defendant was transferred out of FDC-Devens' care, the Court can  
16 no longer be assured Defendant has voluntarily taken his medication.<sup>2</sup> This is consistent with  
17 Defendant's behavior throughout the June 10 hearing, which could best be described as  
18 delusional. (*See, e.g.*, Dkt. No. 234 at 70, 76, 78.) Based in part on this, Dr. Brinkley indicated at  
19 the hearing that he could not presently opine on Defendant's competence. (*Id.* at 42.) However,  
20 Dr. Brinkley noted it can take up to 180 days of treatment for anti-psychotic medication to be  
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22 <sup>1</sup> Prior to the hearing, Dr. Brinkley prepared a forensic psychological report, dated March 5,  
23 2025 (Dkt. No. 212). According to the report, Defendant "appears to be competent to proceed"  
24 and "is likely to remain competent as long as he continues taking medication as prescribed" and,  
25 "[i]n fact, his symptoms are likely to continue improving if he keeps taking medication as  
26 prescribed." (*Id.* at 55.) Although, Dr. Brinkley later described Defendant's competency (at the  
time of Dr. Brinkley's report) as "fragile." (Dkt. No. 234 at 33.)

<sup>2</sup> In fact, there is no evidence that Defendant has continued to take his medication, while there is  
significant evidence that he has not. (*See, e.g., id.* at 75.)

1 fully effective and that, due to logistical challenges, Defendant only received such medication  
2 (much of it involuntarily) for approximately 50 days—from January 14 to March 5, 2025. (*Id.* at  
3 22, 43.) Despite this, Defendant had “rounded the corner” to competency before being  
4 transferred out of FMC-Devens. (*Id.* at 42–43.) Had that not occurred, Dr. Brinkley believes  
5 Defendant would have continued to improve, with optimal results occurring somewhere between  
6 120–180 days of consistent medication. (*Id.* at 43.)

7       Given this, the Court finds there is a “substantial probability” that, within another 180  
8 days of treatment, Defendant “will attain the capacity to permit the proceedings to go forward.”  
9 *United States v. Loughner*, 672 F.3d 731, 766-72 (9th Cir. 2012). Accordingly, the Court  
10 OVERRULES Defendant’s objections, ADOPTS the R&R, FINDS by a preponderance of the  
11 evidence that Defendant is not competent to assist in his defense, and ORDERS as follows:

12       (1) Defendant is to be committed to the custody of the Attorney General, pursuant to 18  
13 U.S.C. § 4241(d), and that the Attorney General shall hospitalize Defendant for treatment in a  
14 suitable facility to undergo competency restoration treatment, which may include, as necessary,  
15 individual therapy;

16       (2) This hospitalization shall be for a reasonable period of time, not to exceed 180 days,  
17 commencing from the date of designation of a suitable facility by the Bureau of Prisons  
18 (“BOP”), and that this period of time may be extended for an additional reasonable period of  
19 time only upon further order of the Court;<sup>3</sup>

20       (3) No later than upon the completion of the aforementioned period, the mental health  
21 professionals acting on behalf of the Attorney General shall prepare a report of their examination  
22 of Defendant and of his competency status, and that this report be filed with the Court, with  
23 copies provided to counsel for Defendant and the Government;

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24 <sup>3</sup> If at any point during this period, mental health professionals acting on behalf of the Attorney  
25 General conclude there is *not* a substantial probability that, by the end of this period, Defendant  
26 will attain the capacity to permit this criminal proceeding to go forward, they shall so advise the  
Court.

1 (4) The United States Marshals Service shall arrange for the transportation of Defendant  
2 at the Government's expense to and from the facility designated by the BOP and that such  
3 transportation be carried out in a way that avoids unreasonable delays;

4 (5) Defendant shall cooperate with the persons performing this examination and  
5 competency restoration treatment; and

6 (6) Pursuant to 18 U.S.C. § 3161(h)(1)(A) and (h)(4), the period of delay resulting from  
7 the commitment period and other proceedings related to Defendant's mental competency,  
8 including any time leading up to and including the Court's hearing concerning Defendant's  
9 competency following examination, shall be excluded in the computation of time under the  
10 Speedy Trial Act, 18 U.S.C. § 3161 *et al.*, with the exception of any excessive transportation  
11 delays between the order of commitment and transfer to a suitable medical facility as determined  
12 by this Court.

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14 DATED this 30th day of July 2025.

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18 John C. Coughenour  
19 UNITED STATES DISTRICT JUDGE  
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